

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

**New Era Painting
Incorporated,**

Debtor.

Chapter 7

Bankruptcy No. 22-08485

Honorable A. Benjamin Goldgar

NOTICE OF APPLICATION

Please take notice that on **Monday, January 23, 2023, at 9:30 A.M.**, or as soon thereafter as counsel may be heard, the undersigned attorneys shall appear before the Honorable A. Benjamin Goldgar, United States Bankruptcy Judge for the Northern District of Illinois, or any judge sitting in his place and stead, either in courtroom 642 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604, or electronically as described below, and shall then and there present the **Trustee's Application to Employ Lois West and Kutchins, Robbins & Diamond, Ltd., as Accountant**, a copy of which is attached.

All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government.

You may appear electronically by video or by telephone.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 500 0972 and the password is 726993. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

Dated: January 9, 2023

Ariane Holtschlag, not individually
but as chapter 7 trustee of the estate
of New Era Painting Incorporated

By: /s/ Justin Storer
One of Her Attorneys

Justin Storer (6293889)
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CERTIFICATE OF SERVICE

I, Justin Storer, an attorney, hereby certify that on January 9, 2023, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Application* and the accompanying *Application* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the below Service List and by U.S. Mail on all other persons identified on the below Service List.

/s/ Justin Storer

SERVICE LIST

Registrants

(Service via ECF)

Fernando R Carranza fcarranza@frclaw.us; emartinez@frclaw.us;
vlozano@frclaw.us;
carranza.fernandob117501@notify.bestcase.com

Ariane Holtschlag, trustee aholtschlag@wfactorlaw.com;
aholtschlag@ecf.axosfs.com;
bkadmin@axosfs.com; ariane.holtschlag@gmail.com

Patrick S Layng USTPRegion11.ES.ECF@usdoj.gov

Justin R. Storer jstorer@wfactorlaw.com; bharlow@wfactorlaw.com

Non-Registrants

(Service via U.S. Mail)

New Era Painting Incorporated 5408 S. Kildare Chicago, IL 60632	
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

**New Era Painting
Incorporated,**

Debtor.

Chapter 7

Bankruptcy No. 22-08485

Honorable A. Benjamin Goldgar

**TRUSTEE'S APPLICATION TO EMPLOY LOIS WEST AND
KUTCHINS, ROBBINS & DIAMOND, LTD., AS ACCOUNTANT**

Pursuant to 11 U.S.C. §§ 105(a), 327(a), 328(a), and 329 and Rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure, Ariane Holtschlag, not individually but solely in her capacity as duly appointed chapter 7 trustee (the “*Trustee*”) of the bankruptcy estate (the “*Estate*”) of New Era Painting Incorporated (the “*Debtor*”), respectfully requests authority to employ Lois West and the firm of Kutchins, Robbins & Diamond, Ltd. (collectively, the “*Firm*”) as her accountant. In support of this application (the “*Application*”), the Trustee relies on the Declaration of Lois West (the “*West Declaration*”) (**Exhibit 1**), and states and alleges as follows:

JURISDICTION

1. This Court has jurisdiction over this Application pursuant to 28 U.S.C. §§ 157 and 1334, and Local Rule 40.3.1(a) of the United States District Court for the Northern District of Illinois. Venue of the above-captioned case (the “*Case*”) and of this Application is proper in this Judicial District pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(1) and (b)(2)(A) and (O).

BACKGROUND

2. On July 28, 2022 (the “*Petition Date*”), the Debtor filed a voluntary petition for relief under chapter 7 of title 11, United States Code (the “*Bankruptcy Code*”), thereby initiating the Case.

3. Ariane Holtschlag was thereafter appointed as the chapter 7 trustee in the case.

4. The Trustee requires the assistance of an accountant to prepare all necessary income tax returns for the Estate, and to advise and assist the Trustee on matters necessary for the proper administration of the Estate.

5. The Trustee believes that the Firm has the appropriate accounting skills and necessary personnel to perform the accounting services required by the Estate. The Firm regularly represents chapter 7 trustees and estates, and the Firm has extensive experience and expertise in performing the services required in this Case.

BASIS FOR RELIEF

6. A trustee may employ, with the court’s approval, one or more accountants “that do not hold or represent an interest adverse to the Estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee’s duties under [the Bankruptcy Code].” 11 U.S.C. § 327(a).

7. The Trustee seeks to retain the Firm because of its experience in cases such as the Case. The Trustee believes that the Firm is both well qualified to represent the Estate in an efficient and timely manner.

8. As set forth in the West Declaration, the Firm believes that it does not hold or represent an interest adverse to the Estate, and that it is a disinterested person within the meaning of § 327(a). Additionally, pursuant to Bankruptcy Rule 2014(a), the Firm does not have any connections with the Debtor, its creditors, the United States Trustee or any person employed in the office of the United States

Trustee, any other party in interest, or their respective attorneys or accountants that require disclosure.

9. Under the facts as described herein and in the West Declaration, the Trustee believes that retention of the Firm satisfies all the applicable statutory standards enumerated above.

1. COMPENSATION

10. Section 328(a) of the Bankruptcy Code permits the Trustee, subject to this Court's approval, to employ or authorize the employment of a professional person under Section 327 "on any reasonable terms and conditions of employment, including ... on a contingent fee basis." 11 U.S.C. § 328(a). The Trustee proposes to retain the Firm on an hourly basis and seeks approval under Section 328(a) of the Bankruptcy Code of that arrangement.

11. The Firm will maintain detailed and contemporaneous records of time and any actual and necessary expenses incurred for accounting services contemplated herein.

12. The Firm understands that any compensation for accounting services rendered on behalf of the Trustee shall be subject to Court approval, after notice and hearing, and in accordance with applicable sections of the Bankruptcy Code, Bankruptcy Rules, and Local Rules and Procedures. The Trustee requests that all accounting fees and related costs incurred by the Trustee for services rendered by the Firm in this case be paid as an administrative expense of the Estate in accordance with the Bankruptcy Code and any applicable orders entered in this chapter 7 case.

2. NOTICE

13. Notice of this Application has been given to: (i) the Office of the United States Trustee; (ii) the Debtor; (iii) Debtor's counsel and (iv) any person that has

requested notice in the Case or that receives notices through the ECF System with respect to the case.

WHEREFORE, the Trustee respectfully requests that the Court enter an order (a) granting the Application; (b) authorizing the Trustee to employ the Firm as her accountants under 11 U.S.C. §§ 327 and 328 on the terms and subject to the conditions set forth herein and in the West Declaration; and (c) granting such other and further relief as this Court may deem just and appropriate.

Dated: January 9, 2023

Respectfully submitted,

Ariane Holtschlag, not individually
but as chapter 7 trustee of the estate
of New Era Painting Incorporated

By: /s/ Justin Storer
One of Her Attorneys

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